IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 31ST OCTOBER 2006 / 9TH KARTHIKA 1928

Bail Appl..No. 6437 of 2006()

CRIME NO.294/2006 OF CHADAYAMANGALAM POLICE STATION

PETITONERS/3RD ACCUSED

BALAN SON OF AYYAPPAN,
CHARUVILA PUTHEN VEEDU, AYOOR, EDAMULACKAL VILLAGE
PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM, THROUGH THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6437 of 2006

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Dated this the 31st day of October, 2006

O R D E R

The petitioner is the third accused in Crime No.294/2006 of Chadayamangalam Police Station, for the offence punishable under Sections 341, 323, 324, 325 and 326 I.P.C read with Section 34 of the Indian Penal Code. The petitioner apprehends arrest. Therefore, he is before this Court under Section 438 Cr.P.C.

2. The prosecution alleges that accused Nos.2 and 3, had wrongfully restrained the de facto complainant and the first accused had assaulted him, with an iron rod, on the right leg, below the knee, causing fracture. The prosecution submits that accused Nos.1 and 2, had already been arrested and released on bail. Weapons are recovered. The allegation against the third accused is only wrongful restrain, assault with hands and kicking with legs.

3. In the above fact situation, I direct the petitioner to surrender before the Investigating Officer, who is

investigating Crime No.294/2006 of Chadayamangalam Police Station, on 07/11/2006, at 10 a.m..

4. The Investigating Officer shall interrogate the petitioner and, thereafter, produce him before the court below, according to the law.

5. The learned Magistrate shall, allow the petitioner to be on bail, imposing such conditions, which are deemed necessary.

(J.M.JAMES)
Judge

ms